

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
OCTOBER 15, 2008 – 6:30 P.M.**

Board Members	Cumulative Attendance	June 2008 – May 2009	
		Present	Absent
Catherine Maus, Chair	P	5	0
Rochelle Golub [6:42 pm]	P	5	0
Mary Graham [6:42 pm]	P	5	0
Tom Welch	P	4	1
Maria Freeman	P	5	0
Fred Stresau	A	4	1
Patrick McTigue	P	5	0
Mike Moskowitz	P	1	0

Staff

Greg Brewton, Director of Planning and Zoning
Eric Silva, Principal Planner
Ella Parker, Planner III
Adrienne Ehle, Planner III
Randall Robinson, Planner II
Michael Ciesielski, Planner II
Yvonne Redding, Planner II
Thomas Lodge, Planner II
Sharon Miller, Assistant City Attorney
John Herbst, City Auditor
Frank Snedaker, Chief Architect for the City
Terry Rynard, Assistant Director of Parks & Recreation
Carol Engle, Parks & Recreation
Dennis Girisgen, City Engineering
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

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Call to Order

Chair Maus introduced the members of the Board and explained the procedures that would be followed during tonight's meeting. Greg Brewton introduced the Staff members present. Assistant City Attorney Sharon Miller explained the procedures for quasi-judicial cases.

Chair Maus informed the Board that the City Auditor's office has made a request to address this Board for five minutes in advance of beginning the Agenda items. Finding no objection to this request, Chair Maus introduced Mr. Herbst, City Auditor.

Mr. Herbst advised that he was making this presentation on behalf of himself and Jonda Joseph, City Clerk. Mr. Herbst stated that there will be an item on the November 4, 2008 ballot that will be requesting an amendment of the Fort Lauderdale City Charter. Presently, there are four charter officers: City Manager, City Attorney, City Clerk and City Auditor.

Mr. Herbst explained that under the Charter, the City Clerk and City Auditor do not presently have the authority to hire and supervise their staff. There exists an inconsistency between the section of the Charter, which covers personnel guidelines, and the section of the Charter which establishes the various offices and assigns their rights and responsibility. Therefore, Mr. Herbst said, an item is being brought forward that will achieve consistency between the four Charter officers, as well as between the varying sections of the City Charter that will grant the Auditor and the Clerk the ability to hire and supervise their staffs independent of the City Manager's function.

Mr. Herbst explained that this does not reflect any problems that the Clerk or the Auditor have had with the City Manager, but simply will enshrine in the Charter what is believed to be the appropriate respect and delegation of authority between the various Charter officers. In addition, it will not affect any of the incumbents currently within these positions as they will be grandfathered in. The amendment to the Charter will merely apply to new hires in the future, but will not change any existing practice.

Mr. Moskowitz asked if the City Clerk worked directly under the City Manager. Mr. Herbst stated that, to the contrary, the Clerk reports directly to the City Commission, representing their interests and is independent of the City Manager. The City Clerk is the official record keeper of the City and to ensure the integrity of the records and the

function, it is felt that it is important to have that same independence that is appropriate to the Auditor's office available to the Clerk's office.

Approval of Minutes – September 17, 2008

Ms. Freeman advised that the attendance record for herself, Mr. Stresau and Mr. McTigue needed to each reflect an additional attendance. The recording secretary duly noted these corrections to be made to the September 17, 2008 Minutes of the Planning and Zoning Board.

Motion made by Ms. Freeman, seconded by Mr. McTigue to approve the Minutes of the September 17, 2008 Meeting of the Planning and Zoning Board, with corrections noted by Ms. Freeman. In a voice vote, the motion was unanimously **approved** (5-0).

[Ms. Golub and Ms. Graham arrive at 6:42 p.m.]

1. Jean Shallenberger / Bliss Window Yvonne Redding 11-ZR-07

Request: ** *

Rezoning from RMM-25 to XP

Legal Description:

Lots 25, 26, 27, 28, 29, 30 and 31, Block 259,
PROGRESSO, P.B. 2, P.18, of the Public Records of
Miami Dade County, Florida

Address

804-812 NW 1st Avenue

General Location

Corner of NW 1 Avenue and NW 8 Street

DEFERRED FROM THE AUGUST 20, 2008 MEETING

Disclosures were made by the Board, and members of the public wishing to testify on the matter were sworn in. Mr. McTigue, having a conflict, recused himself from this item.

Dwayne Dickerson, Esquire, on behalf of the Applicant, stated that also in attendance were Architect, Hugh Johnson, and the property owners, the Shallenbergers. Mr. Dickerson chronicled that this item was previously before this Board on August 20, 2008, and was deferred at that time to give the Applicant additional time to meet with the homeowners' association in order to work out some outstanding issues.

Mr. Dickerson stated that, rather than provide a full presentation, as was done previously, he wanted to apprise the Board of all developments since the August 20, 2008 Meeting of the Planning and Zoning Board. Mr. Dickerson referenced a "new" site plan, which he displayed for viewing.

Mr. Dickerson explained that the first major change that the homeowners were requesting was that the parking lot be reconfigured and that all ingress and egress of

traffic to come off of 8th Street. With the new site plan, all ingress and egress now occurs only on 8th Street.

Another major change requested by the homeowners, Mr. Dickerson said, was that the sidewalks connect all along 1st Avenue, as well as from 8th Street to Andrews Avenue. This change is also now reflected in the new site plan.

Mr. Dickerson advised that an additional major change that was implemented, which was requested by the homeowners, was that the landscaping be sufficient to shield and buffer the parking lot from their surrounding residences.

As presented previously, Mr. Dickerson confirmed that the parking lot will be for employees only. The request before the Board this evening is to rezone the parking lot from RMM-25 to XP (parking lot exclusive zoning district).

Mr. Dickerson asked if the Board had received the letter of support from the Progresso Village Civic Association, which the Board confirmed they had received.

Yvonne Redding, City Staff, confirmed that the Applicant has reconfigured the parking lot, and that they have worked with the neighborhood, which has provided a letter of support. Ms. Redding stated that the request for rezoning from RMM-25 to XP is consistent with the Comprehensive Plan for parking and land use category of NW RAC, which does allow parking and commercial associated parking.

As there were no members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Golub, seconded by Mr. Welch to approve request for rezoning as requested. In a roll call vote, the motion was **approved** 6-0 [Mr. McTigue abstained due to conflict].

Ms. Golub thanked the Applicant and expressed that "this is exactly the way that Planning and Zoning should work" and that, on behalf of herself and her colleagues, she appreciated the effort that was taken to make sure that this was a successful resolution for everyone.

2. Assemblies of the First Born, Inc.

Thomas Lodge

12-Z-08

Request: * * *

Rezone from RD-15 to CF-H

Legal Description:

Lots 40, 41, 42, 43, 44, 45, 46, 47 and 48, Block 130 of PROGRESSO, According to the plat thereof, as recorded in P.B. 2, P. 18 of the Public Records of Dade County, FL. Said lands situate, lying and being in Broward County, FL.

Address: 1140 NW 9 Avenue

General Location: Located half way between West Sunrise Blvd and NW 13 Street on NW 9 Avenue.

DEFERRED FROM THE SEPTEMBER 17, 2008 MEETING

Disclosures were made by the Board, and members of the public wishing to testify on the matter were sworn in.

Norman Jones, representing P.D.D.S., International, a design firm, on behalf of the Applicant, Assemblies of the First Born, advised that the Church property is located at 1500 W Cypress Creek Road, Suite 4014, Fort Lauderdale, Florida.

Mr. Jones, said that he was here tonight on behalf of Pastor Richards, who was sick at home and had asked that he make this request on behalf of herself and the Church, to express that was is going before the Planning and Zoning Board at this time, and which has gone before DRC, is her wishes for approval of this project so that the Church can continue to serve the community, as they have for many years. In addition, the project is partially a beautification project.

Mr. Jones stated that the parking is being redesigned; the landscaping is being redesigned; the existing sanctuary will be beautified, but its dimension will stay as is; and there is an existing building that is in disrepair which will be demolished and rebuilt. The rezoning of this project should fall within the parameters of what the Planning and Zoning Board and Comprehensive Plan would require.

Mr. Jones explained that the properties surrounding this Church are for the most part also Churches. On the south side is an existing church and on the southeast side is another church that will be going through a similar process in the future. The Applicant, said Mr. Jones, does not believe this request will interfere with any of the City's requirements in a negative way.

Thomas Lodge, City Staff, advised that the subject property is currently zoned RD-15, which is residential single-family medium density, and is currently occupied by a "house of worship." Mr. Lodge said that the Applicant is requesting a rezoning to CFH, which is community facilities house of worship, to allow the demolition and construction of a new Fellowship Hall, which will be 3,482 sq. ft.

Mr. Lodge advised that the surrounding properties are designated RS-8 to the west; community facilities to the north; and RD-15 to the south and to the east. The proposed rezoning would not introduce a new use into the neighborhood, as a house of worship currently resides on the site, as well as two additional houses of worship which currently reside to the south of the site.

In addition, stated Mr. Lodge, the Applicant has met the applicable criteria of ULDR Sections 47-24.4, Rezoning, and 47-5.2, which is the adequacy requirement.

As there were no members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Freeman, seconded by Ms. Graham to approve request for rezoning as presented. In a roll call vote, the motion was **approved** 7-0.

3. **City of Fort Lauderdale / Coontie Hatchie Landings Park** **Michael Ciesielski 38-R-08**

Request: ** Site Plan Level IV / Public Purpose Use/ Waterway Use

Legal Description: Lot 43, Valentine's Subdivision, P.B. "B", P. 29, of the Public Records of Dade County, Florida

Address: 1116 SW 15 Avenue

General Location: East Side of SW 15 Avenue approximately ½ block north of Davie Boulevard

DEFERRED FROM THE SEPTEMBER 17, 2008 MEETING

Disclosures were made by the Board, and members of the public wishing to testify on the matter were sworn in.

Frank Snedaker, Chief City Architect, on behalf of the Applicant, recalled that the rezoning of this matter was deferred from last month's Planning and Zoning Board meeting, having recommended the zoning be changed to "P." Mr. Snedaker stated that the Board directed Staff to go back to meet with the neighborhood, as it had been a while since having done so previously. Specifically, the items to be discussed with the neighborhood were the waiver of the masonry wall requirement and the installation of a chain link fence.

Mr. Snedaker recounted that Staff attended the October 1, 2008 meeting of the Riverside Park Residents' Association. He provided the Board with a letter from that Association whereby they recommend approval of this application.

At that meeting, Mr. Snedaker explained, Terry Rynard, Assistant Director of Parks and Recreation, reviewed the park design, answered questions and the matter of the wall was discussed.

Mr. Snedaker advised that staff is going to the City Commission next month and will present at their conference meeting information regarding the section of the Code that

requires this wall. Upon researching this issue, it has been learned that the City of Fort Lauderdale is the only municipality or agency in the tri-county area that requires walls around parks. Staff does not believe that the original intent of that ordinance was intended to wall in the parks. As such, this matter is being presented to the City Commission to see if they want Staff to proceed with a change in the Code.

Mr. Snedaker said that along with the wall, other items discussed were concerns of the neighborhood as to the height of the lighting. Some residents requested lowering the lighting, there being nine light poles on this site. Mr. Snedaker advised that the poles are 12-foot rustic poles, with a lamp above, providing minimum security and lighting. The Parks Department has indicated that this park will close at 9:00 p.m. Mr. Snedaker advised that lowering the lights has been discussed with the maintenance department who has advised that anything lower than 12 feet will subject the lights to extensive vandalism, breakage, and who indicated that they will not maintain these lights if they are installed lower than 12 feet.

Another request made by the neighborhood, Mr. Snedaker advised, was to investigate the potential to bring the entrance drive into the parking area from south end of the parking area and to shift the entrance to the north. Mr. Snedaker stated that he met with the City Traffic Engineer who reviewed it and expressed that this change was feasible to do. As such, Mr. Snedaker stated, Staff would be amenable to putting in the record that the Applicant will make this change in conjunction with the neighborhood request.

The other item requested by the neighborhood was the sandy beach lagoon. Mr. Snedaker advised that Staff informed the neighborhood that it would continue to investigate this and return to the neighborhood with additional information, but that it will not be part of this package before the Board at this time. If this request were able to be implemented, it would be at a future date.

Chair Maus asked about the landscaping and Mr. Snedaker responded that a continuous hedge would be provided along the fence line, with a plant such as coco plum or the coontie plant, which is native and requires minimum maintenance.

Michael Ciesielski, City Staff, remarked that this is a Site Plan Level IV is because it is a public purpose use. Normally, this would be a request of waterway use, Site Plan Level III, approvable at the Planning and Zoning Board level, but because the Applicant is requesting that they not be required to put up a buffer yard wall and instead put up a 6-ft. high fence, it becomes a public purpose use request and is a Site Plan Level IV, approvable at the City Commission level.

Mr. Ciesielski stated that because he had not received the Riverside Park Residents' Association letter until after he had prepared his report for the Planning and Zoning Board, his staff conditions are not complete. As such, he would like to include the Riverside comments in the reading of his report for the record as follows:

"Should the Planning and Zoning Board recommend approval of this site plan and public purpose use, Staff recommends the following conditions:

1. That the applicant will comply with any archeological requirements that Broward County may have for this site, including archeological monitoring of the site during any excavation and ground disturbance activities, or additional survey work on this site which satisfy archeological survey standards.
2. That, pursuant to the request made by the Riverside Park Residents' Association made at the October 1st meeting with City Staff, the City shall plant landscaping along the 6-ft. fence, and that the City shall also explore the feasibility of moving the entrance to the parking area to the north side of the parking lot and also explore the feasibility of reducing the height of the nine light poles.

The Planning and Zoning Board shall review options if the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR for adequacy, neighborhood compatibility, waterway use and criteria for public purpose and recommends approval, or approval with these conditions. The recommendations shall be forwarded to the City Commission.

If the Planning and Zoning Board determines that this proposed development or use does not meet the standards and requirements for public purpose use, the Board shall recommend denial and this recommendation for denial shall be forwarded to the City Commission for its consideration."

Ms. Golub noted that the City has already stated it will not lower the light posts below 12-ft. for security and vandalism reasons, with which she concurs. She asked if the City would be amenable to only putting the first three conditions, and leaving out the light post issue, since it appears to have already been decided. Mr. Ciesielski said that he can do so, or the Board can just eliminate it from any motion.

Ms. Golub stated that she conducted a study and found that chain link fences, when properly maintained, are preferable to solid walls.

Ms. Graham asked if the lights were on a timer. Mr. Snedaker responded that they were on a timer and the Parks Department would determine what hours they would be shut off. Ms. Graham asked if the lights would be on all night. Terry Rynard, Assistant Director of Parks and Recreation, advised that upon agreement with the

neighborhood, the lights will go off when the park closes, typically at 9:00 p.m. Ms. Rynard said that they are not overnight security lights.

Chair Maus, hearing no further questions from the Board, opened the hearing to the public.

Homeowner, Ken Collette, said that originally, the park was to be a dawn to dusk park. He expressed that the issues of the lights were being revisited again, as well as the issue of dredging out of the seawall for a canoe and kayak launch. Mr. Collette said that he has lived on the side of that piece of property for 27 years, and that he is the only homeowner that comes to these meetings. Most of the others near this property rent. He expressed that he is going to be impacted by lights in his field and a wall which is Code. He said that there is supposed to be a wall separation between the public park and private homeowners, and that he does, in fact, want the wall.

Mr. Collette stated that the Park Association does not live anywhere near this park. In addition, no one living around the park has been questioned, nor was there a survey done. Mr. Collette was disturbed because the homeowners' association has demanded all of these things of the Applicant, yet they have not asked Mr. Collette or the people that live on the south side of that property for their input.

Mr. Collette reminded the Board that previously the eight people on the homeowners' association stood on this piece of property, with himself and his wife present, and voted. Of those eight people, one man wanted a canoe/kayak launch and to have the property turned into a park. The other seven people representing the association said that the piece of property should remain as is. Mr. Collette expressed his disbelief that a \$500,000 grant was obtained to "destroy a beautiful piece of property like this for a park," and claimed that his quality of life will be destroyed.

Mr. Brewton confirmed for Ms. Graham that everyone within a 300-ft. radius of the subject property was noticed as to this meeting. Ms. Graham said it did not appear that what the Board requested be done last month was, in fact, done. Mr. Collette advised Ms. Graham that the Applicant only went to the homeowners' association meeting, and claimed that neither he nor his neighbors received a letter.

Chair Maus informed Mr. Collette that everyone within 300 feet of that property was noticed of last month's meeting on the rezoning issue. Ms. Golub confirmed that the Board voted to rezone. Chair Maus advised Mr. Collette that the Board was only here today to address the modifications from the Code.

Ms. Golub asked Mr. Collette if he heard the Applicant state that there is no intention today to build a sandy beach or a kayak ramp in this park, because that is what she had heard. Therefore, Ms. Golub said, Mr. Collette's concern about the sandy beach and the kayak ramp are no longer an issue because it is not part of the plan that has been presented. Mr. Collette claimed that he had misunderstood and believed that it

was being brought back to the State for further review. Mr. Snedaker reiterated that he believed he had said, and what was agreed to with the homeowners' association, is that the Applicant would continue to investigate it. Mr. Snedaker stated that if, in fact, the Applicant were going to change this, because it is on a waterway, they would have to come back to this Board to seek approval.

Karla Collette, homeowner, said that she and her husband own what is probably the largest piece of property that adjoins this park, and that they had not been contacted by the Applicant, nor had they received a survey. She stated that she had attended the homeowners' meeting and claimed that the people that use that park were not at the meeting. She was, therefore, concerned that none of the people that use the park regularly were asked about their wishes for the park.

She expressed concern that once the park is completed, there will be students from local high schools during every lunch hour "hanging out" at that park because it is within walking distance, and they will be climbing over her fence and interrupting her privacy. Ms. Collette stated that two of her bedroom windows face the park and are directly visible from the park. She said that she is not comfortable with that, nor is she comfortable with lights from the park shining in her windows. Because of her issue with privacy, she is requesting to have the cement wall put up behind her property, and not a chain link fence as is now being proposed.

Chair Maus read from the Minutes of the September 17, 2008 Planning and Zoning Board Meeting, regarding the issue of notice and resurveying everything, which reflects that Ms. Rynard affirmed it would not be a problem to ask again for community approval. Chair Maus stated that she was not under the impression that there would be a remailing to all residents within 300 feet of the property. She asked any Board member with a different recollection to so advise.

Ms. Graham asked Ms. Collette to show her on the diagram under the overhead projector where her property was located in relation to the park, which she did. Ms. Graham asked if any of the people residing on the south of the park came to the homeowners' meeting. Ms. Collette said that most of those people are renters and that none of them went to the meeting.

Ms. Graham asked if the Code requires the wall, why then would the wall not be installed on the Collette's property line, and whether it was a cost issue. Mr. Snedaker said that it is not a cost issue at all, but is instead being taken to the Commission as a policy issue. It is felt that it was not the intent of the Code to wall in the City's parks. Ms. Graham asked whose opinion that was. Mr. Snedaker said that it was that of a number of people on staff and that there seems to be a consensus that this was not the original intent.

Mr. Snedaker said that if the City were to follow this wall buffer yard restriction as it is currently written, then Coral Ridge County Club would have to be walled. He again

reiterated that he did not believe this to be the intent of any zoning code. Mr. Snedaker clarified for Ms. Graham that the Code states that any existing conditions (such as Coral Ridge Country Club) would have to be corrected within five years of the enactment of the ordinance, which was in approximately 1997. The City, however, has not enforced that ordinance as far as the retroactive condition.

Ms. Graham expressed that she still feels that the Collettes should have the option of having the wall installed on their property line, since they do wish that it be placed there.

Ms. Rynard remarked that from a Parks and Recreation perspective, a wall along the property would affect the aesthetics of the park and the vista that allows visitors to look up and down the river when in the park. She contended that if there was a five foot wall running all along the northeast side of the property, the vista would be lost, along with the ability to look north and see boats as they come through the area.

There being no additional members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Golub, seconded by Mr. Welch to approve Site Plan Level IV, with Staff conditions as read into the record, except the condition for the potential review of the reduction of the height of the lights. In addition, any further enhancements, including a kayak launch and sandy beach, are not part of this plan. In a roll call vote, the motion was **approved** 5-2 (Ms. Graham and Mr. McTigue dissenting).

4. Sherborn Development, LLC.

Yvonne Redding

27-R-06

Request: **

Site Plan Level III / Time Extension

Legal Description:

Lots 3, 4, and 5, Beach Way Heights, Unit "B", according to the plat thereof, as recorded in P.B. 25, P. 27, of the Public Records of Broward County, Florida

Address:

2756 NE 14 Street

General Location:

South of NE 14 Street and East of Bayview Drive

Disclosures were made by the Board, and members of the public wishing to testify on the matter were sworn in.

Robert Lochrie, on behalf of the Applicant, advised that this Item involved a request for a 12-month extension for a site plan for an 18-unit multi-family project located at 2756 NE 14th Street. Thereupon, Mr. Lochrie indicated on a map where the lots were located. The building code requires that an applicant must submit for a building permit

within 18 months of the date of approval. The building permit must then be pulled within 24 months.

Mr. Lochrie explained that there is no lending ability at this time to complete the construction of this project due to forces outside of the developer's control. Therefore, Mr. Lochrie said, it does not make sense to pull the building permit at this time. Rather, the Applicant is requesting a 12-month extension on the date to pull the building permit – until October 20, 2009. The Applicant is aware that it must keep the property in good condition during that period of time.

Ms. Redding advised that the Applicant did timely apply for a building permit, and confirmed that they have requested a 12-month extension, until October 20, 2009, to pull the building permit. She said that this is within the Code allowance for an extension. If additional time is needed, Ms. Redding advised, it must be requested again prior to the expiration of the time period.

There being no members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Mr. Moskowitz asked for his colleagues to comment, as this particular item did not sit well with him. He said that when the site plan was approved in September of 2006, the conditions stated "that the site plan approval shall be valid for a period of time as outlined in the ULDR Sec. 47-24.1.m.," meaning that the Applicant must pull the building permit within two years. Mr. Moskowitz acknowledged that, due to current economic circumstances, it is not something that the Applicant wishes to do. He questioned whether it is a good enough reason for a site plan extension, but that as a new member he would like to get other people's input based upon their experience.

Chair Maus conveyed to Mr. Moskowitz that this Board has entertained numerous applications for extensions of site plan approval for a variety of reasons, pre-dating even the current economic crisis and credit crunch. Chair Maus stated that, personally, she would support this extension.

Mr. Moskowitz stated that personally, he would like to see reasons other than economics for requesting an extension.

Ms. Freeman acknowledged that in the past this Board has granted extensions, especially upon a reasonable request. One way to view this request is to realize that there are many projects in which construction has been started throughout the city, and where the projects have subsequently been abandoned. Ms. Freeman stated that she would most certainly rather see the matter deferred and give the Applicant the opportunity to obtain financing and a successful project. This, she said, is why she would support the Applicant's request for an extension.

Ms. Graham advised that she voted no for this in September of 2006, and though she understands the Applicant's conditions, she intends to stay consistent with that previous vote.

Ms. McTigue asked if the land is sodded at this time or whether it was weeds. Mr. Lochrie said that there is grass and that it is being mowed regularly. There is currently a trail around the site, which will be removed in the next 30 to 45 days, so that the site will have a clean appearance. He said that it is not a construction site.

Mr. McTigue asked if the grass looks well, or if it was splotchy with rocks. Mr. Lochrie stated that if there was a condition of approval that would require the Applicant to put sod down, the Applicant would not object to such a request.

Motion made by Ms. Freeman, seconded by Mr. McTigue to approve Site Plan Level III time extension, with condition that grass cover the entire surface area and be properly maintained. In a roll call vote, the motion was **approved** 4-3 (Ms. Graham, Ms. Golub and Mr. Moskowitz dissenting).

5. The Pantry of Broward

Yvonne Redding

14-Z-08

Request: * * *

Rezone from RMM-25 to XP Parking Lot

Legal Description:

Lot 34, Block 321 of Progresso P.B. 2, P. 18, of the Public Records of Miami-Dade County, Florida

Address:

614 NW 3 Avenue

General Location:

East of NW 3 Avenue and North of NW 6 Street

Ms. Freeman asked that Items 5 and 6 be heard together, but voted upon separately.

Disclosures were made by the Board, and members of the public wishing to testify on the matter were sworn in.

Heidi Davis, Esquire, an attorney with the law firm of Gunster, Yoakley, stated that she represents the Applicant, which operates a social service facility on the property. Ms. Davis introduced Phil Shailer, Chairman of the Board of The Pantry of Broward, which is the tenant of the property owned by 610 LLC. Mr. Shailer stated that owner of the 610 LLC, and founder of The Pantry of Broward is Elizabeth Buntrock.

Mr. Shailer explained that The Pantry has as its mission to provide food and ancillary services to (1) senior citizens on low fixed incomes and (2) grandparents in need who are raising grandchildren. There are thousands and thousands of grandparents in Broward County who are raising their grandchildren, said Mr. Shailer, many of whom are in dire need of assistance.

Mr. Shailer stated that the food that The Pantry provides is not eaten on premises. The clients come to The Pantry mainly from referrals by Community Groups and Church organizations, and come in generally by appointment. Once eligibility is determined, then they are entitled to receive a substantially sized box of food once a month for at least six months. Assistance is provided to get the clients and their food back to their residences.

The ancillary services, said Mr. Shailer, include eye examinations and glasses, medical and legal assistance as well as help filing for food stamps. The Pantry has a resource bank of doctors, lawyers and others who are contributing a certain number of services for clients that are assigned to them when the need is determined.

Mr. Shailer remarked that the building on this property was a run down, old 8,000 sq. ft. warehouse that has been completely rebuilt and rehabilitated and now provides offices for The Pantry's case workers, staff, as well as a large warehouse area for the storing of food. Most of the food consists of canned goods, hard goods and take-away consumables.

Mr. Shailer explained that The Pantry began operating in mid-July of 2008, following the Board of Adjustment's granting of a temporary non-conditional use permit to operate as a social service facility. In order to complete its legal journey, The Pantry is in need of the Planning and Zoning Board to approve the rezoning of the northernmost of its six lots (Item V), and to approve the Level III Site Plan and conditional use to operate as a social service facility (Item VI).

Ms. Davis reiterated the matters before this Board tonight on behalf of the Applicant, and supplemented that the northernmost lot of the property is currently zoned RMM-25, which the Applicant is asking to be rezoned to XP (parking lot). Ms. Davis confirmed that the lot has always been used as a parking lot, and that all the remaining lots are zoned B-3.

Ms. Davis advised that the criteria of Sec. 47-24.4 of the ULDR is satisfied in that the XP zoning proposed is consistent with the Comprehensive Plan. The property has an underlying land use designation of Northwest Regional Activity Center, which provides the ultimate flexibility for redevelopment activities. The proposed zoning of XP and the use as a parking lot for The Pantry are consistent with the Northwest Regional Activity Center. Ms. Davis said that the property is located within a mixed use area and the proposed rezoning to XP would not represent a substantial change to the character of the neighborhood. The surrounding properties include uses such as commercial, community facility, industrial and residential.

Ms. Davis referenced that the Applicant's rezoning application contains narratives that detail how it satisfies adequacy and neighborhood compatibility. The site plan was then displayed and referenced by Ms. Davis.

Ms. Davis advised that the current zoning of the property as B-3 and RMM-25 permit social service facilities as a conditional use. The conditional use is satisfied in that The Pantry is a much less intensive use than what is allowable under a traditional B-3 zoning designation, which permits light industrial and heavy commercial uses.

There is an existing 6 ft. wall, said Ms. Davis, on the north side of the property, to which landscaping will be added that is permitted to grow up to 15 ft. This landscaping, along with the existing wall, will adequately screen the residential neighborhood from this property.

Ms. Davis stated that there is support from the neighborhood, including the Progresso Village Civic Association whom the Applicant has met with on several occasions. There is also great support from Pastor Thompson, who is located across Third Avenue.

Yvonne Redding, City Staff, summarized the Applicant's presentation and further explained that the property to be rezoned is on the border between the B-3 and RMM-25 zoning. To the east of the property is industrial zoning and to the west is CB (commercial zoning). Ms. Redding referenced the residential zoning on a map.

The Applicant has requested variances from the Board of Adjustment for certain buffer requirements and certain landscape required, which approval is included within the Board's packages, said Ms. Redding.

Seeing no questions from the Board, Chair Maus opened the public portion of the hearing.

Richard Barrett stated that he lives on the property 50 ft. to the north of the edge of the Applicant's property. He believes the Applicant's project to be good, but is concerned about rezoning and conditional use of a property by an entity that is renting the property. His main concern is that there is only a 50 ft. buffer between his property and the Applicant's property, and that the only way for The Pantry to expand would be to move north onto that buffer property. Mr. Barrett conceded that as long as the project remains its current size, he would be fairly secure with this Board's decision.

Chair Maus asked Ms. Redding if any additional development in the residential zoning district would require further approvals from the City. Ms. Redding responded that since the property to the north of the subject property is zoned residential, any commercial development or use other than residential would require rezoning and would come before this Board and would include notice to residents within 300 feet and a public hearing.

Mr. Barrett asked if the rezoning of the property would be permanent and not conditional upon the renters of the property. Chair Maus stated that this was correct,

but that she believed it would be specifically tied to parking. Mr. Barrett expressed that would be "fine."

Ms. Graham asked Mr. Barrett to show where his property was located on the map. He indicated he owned the eight adjoining lots 200 ft. north of the subject property, which were purchased by his grandfather in 1924.

Ms. Freeman asked for clarification of Mr. Barrett's concern. He added that the lights on the property are coming right into his bedroom window and hopes the trees will be planted soon. He confirmed for Ms. Freeman that the lights were on in the evening and shine out to neighboring property.

Chair Maus asked the Applicant to explain the lighting situation. Mr. Shailer said that he was not aware that there was a problem with the way the security lights are flowing and assured the Board that this would be checked out the following day. While the lights were there for security, they were not intended to pose a problem for neighbors. Mr. Shailer promised the lights would be addressed immediately. Mr. Shailer confirmed for Chair Maus that the lights are on continuously through the night for security purposes.

Mr. Shailer stated that as to the landscaping, the Applicant has already received informal bids for the landscaping plan, which should be underway within 30 to 60 days at the most.

Mr. Barrett, responding to Ms. Graham's question, advised that the lights were installed within the past 60 days. Mr. Brewton stated that there is a code requirement relating to the lighting. Chair Maus advised Mr. Barrett that Mr. Brewton and Mr. Shailer were going to make sure that the lighting issue was properly addressed. Mr. Brewton suggested that the Board could include this as a condition of the approval.

Mr. Brewton explained that the City has worked with property owners in the past to install shields on lights to cut down on glare.

There being no additional members of the public wishing to speak on these items, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Freeman, seconded by Mr. McTigue, to approve rezoning from RMM-25 to XP Parking Lot. In a roll call vote, the motion was **approved 7-0**.

6. The Pantry of Broward

Yvonne Redding 63-R-08

Request: ** Site Plan Level III / Conditional Use / B-3 and XP
Legal Description: Lots, 29, 30, 31, 32, 33 and 34, Block 321 of Progresso P.B. 2, P. 18, of the Public Records of Miami-Dade County, Florida
Address: 610 NW 3 Avenue
General Location: East of NW 3 Avenue and North of NW 6 Street

Motion made by Ms. Freeman, seconded by Mr. McTigue to approve Site Plan Level III, with a condition that the outdoor lighting meet all code requirements. In a roll call vote, the motion was **approved** 7-0.

7. EL-AD FL BEACH, LLC / ELAD

Ella Parker 43-R-08

Request: ** Site Plan Level IV / Hotel, Multi-Family Units & Retail Use / PRD
Legal Description: Lots 15 and 16 of Parcel A, Lot 12 of Parcel D, Lots 13 and 14 less the north 48 feet of Lot 14, the north 48 feet of Lot 14 of Parcel H, Lot 17 of Parcel I, Block 5 of AMENDED PLAT OF LAS OLAS BY THE SEA SUBDIVISION, according to the Plat thereof as recorded in Plat Book 1, Page 16 of the Public Records of Broward County, Florida
Address: 2939 Banyan Street
General Location: North of Banyan Street, South of Poinsettia Street, East of Seabreeze Boulevard, West of Almond Road.

Robert Lochrie, on behalf of the Applicant, stated that this item involved a request for a site plan review of a project located to the east of Seabreeze Boulevard, to the west of Almond Road, north of Banyan Street and south of Poinsettia Street. In addition, this property is located within the City's Planned Resort Development District of the Central Beach Alliance which, the Planning Code provides is established for the purpose of promoting the development and redevelopment of the area immediately north of Las Olas Boulevard as a high quality public and private mixed use area. It is intended to permit and facilitate the redevelopment of the area as a world class resort. Mr. Lochrie asserted that this development fits within those requirements and also meets all objective standards of the Code, relating to height, FAR, building length, parking requirements, etc.

Mr. Lochrie indicated that the project meets or exceeds the setback requirements on the north side, west side and south side, and that the Applicant is requesting a 10-foot setback on the east side along Almond Road. In addition, Mr. Lochrie said, the project has been through the DRC process.

Mr. Lochrie advised that the City's Beach Master Plan consultants, together with City Staff, have reviewed the project and provided their comments. In addition, because of its proximity to the Las Olas Beach Club f/k/a the Lauderdale Beach Hotel property, this project has gone before the Historic Preservation Board.

Mr. Lochrie then displayed photographs of the property and various renderings of the proposed project showing its proximity to existing neighboring properties.

Mr. Lochrie advised that the parking for the project is all underground; the retail, restaurant and lobby are all on the ground floor; there will be up to 256 hotel rooms above the ground floor; and above the hotel will be 41 residential units which are located on the top five floors of the project.

Mr. Lochrie explained that all vehicular traffic is internal to the project. There will be truck access through the middle of the property for daily deliveries, as well as garbage pick-up where there are completely enclosed structures for all garbage.

Mr. Lochrie stated that along Seabreeze Boulevard there is a 26-foot setback to the property line from the face of the building and a setback to the curb of approximately 31 feet. Along Banyan Street there is a 21-foot setback; a 10-foot setback along Almond Road; and a 30-foot setback along Poinsettia Street.

Mr. Lochrie advised that the hotel lobby will be located on Seabreeze and will include water features and plaza areas. Restaurant and commercial space will be located along the Almond Street side of the property.

Particularly on the beach, Mr. Lochrie said, there are issues as to parking. Rather than have a more unfriendly appearance for the parking structure from sidewalk and street, this project places all parking completely underground. The Applicant will be using one of the few companies that develops such underground parking projects worldwide. Mr. Lochrie asserted that while this is not a new technology, it has not been used in Fort Lauderdale very often. Mr. Lochrie showed examples of other locations throughout the world in which this technology is being used, including in Miami.

Mr. Lochrie contended that the current sidewalk along the property is the Florida Department of Transportation minimum, which is about a 6-ft. to 7-ft. sidewalk along the street. The Applicant proposes a much larger area with a minimum 20-ft. plaza with bicycle racks, planters and water features along the southwest corner of the site.

Mr. Lochrie commented that Almond Street is proposed to be a pedestrian-friendly street, with much restaurant and retail space. Mr. Lochrie indicated that some of the comments of the Beach Master Plan representatives was that they did like the large number of outdoor public plazas and seating areas. However, Mr. Lochrie offered, there was concern about the retail area, and whether there was sufficient retail space to provide a benefit on the street. The setback from the property line along that retail area is about 10 feet, with the setback to the curb being 16.5 feet, which is more significant than any customary sidewalks in the area. Mr. Lochrie added that along the side across from the Las Olas Beach Club, there is a 30-ft. setback which will consist of public plaza and seating area.

Mr. Lochrie remarked that one of the Codes that the project was not required to meet was the beach shadow restrictions. The Applicant nonetheless felt it important to show the Board how that shadow restriction affects this property as well as the property in front of this one. Mr. Lochrie displayed renderings to illustrate that this property was well within the cone of the shadow restriction, even though it does not apply to this project.

Mr. Lochrie next showed graphics depicting the difference in the size of this proposed building in relation to those neighboring buildings, wherein this building is 100 feet shorter than the two properties to the north. This, Mr. Lochrie expressed, meets the neighborhood compatibility requirements.

Mr. Lochrie asserted that another common issue with new construction along the beach area is construction management and staging. He advised that the Applicant owns the property directly to the south of this site, which is currently utilized as a parking lot, and that it intends to use it for staging during the construction phase. Once construction is completed, the Applicant proposes to enhance the parking lot and turn it into a valet lot which will be available to the public. Mr. Lochrie explained that the Applicant believes this to be a good step toward cleaning up Almond Road, while providing an attractive parking area along with pedestrian plaza areas.

Mr. Lochrie explained that the building has no back side, with glass railings, windows and doors all the way around all four sides of the building; providing views of both the ocean and the Intracoastal.

Mr. Lochrie advised that numerous presentations of the project have been made to the various interest groups in the area.

Ella Parker, Planning and Zoning Staff, confirmed that the Applicant proposes a 200-ft. high and approximately 200-ft. long building consisting of 256 hotel rooms, 41 residential units and approximately 8,000 sq. ft. of restaurant space, including an outdoor seating area. This property is located within the Planned Resort Development District and is subject to Site Plan Level IV review with ultimate review by the City Commission.

Ms. Parker explained that this property is subject to the following ULDR criteria:

- Central Beach District requirements;
- Planned Resort Development District requirements;
- Central Beach Development permitting and approval; and
- Adequacy and neighborhood compatibility.

The dimensional requirements are summarized on page 1 of the staff report. As part of the request for a development of significant impact, the applicant is requesting a 10' setback along Almond Road. Responses to all applicable ULDR sections are included in the Planning and Zoning Packet. To further assist the Board in determining if the project meets the criteria, narratives, plans and renderings depicting the project, including mass, scale and details as it relates to the surroundings, are included in the Board's packet as well. If the Board recommends approval of the proposed development, Ms. Parker stated, the conditions outlined in the Staff Report are also proposed.

Chair Maus, hearing no questions from the Board at this time, opened the public hearing.

Ina Lee, a 15-year Fort Lauderdale beach resident, said that she was the founder of the Beach Council of the Chamber of Commerce in 1986 and still serves on that Board. In addition, Ms. Lee currently chairs the Beach Redevelopment Advisory Board.

Ms. Lee said that the area of this proposed project has really been an eyesore. She expressed that she would like to see these dollars go into the CRA, as the funds will be needed to complete the improvements proposed at the aquatics complex and the streetscape projects. Ms. Lee believes the project is a good one that will clean up the area and will add to the redevelopment of the beach.

Christina Gibson, a beach resident, thanked the Applicant for investing in the community and expressed that she believed this to be a great project. She stated that more projects such as this were needed, in that it follows the Beach Master Plan and offers amenities to the residents of the beach. Ms. Gibson expressed that the proposed retail area is just what the residents have been asking for. She asked that the Board approve more projects such as this.

William Monfirdini said that after living here for a long time believes this to be a great project for the community and that the impact will be positive. He is very excited about this project and recommends its approval.

Joe Panico, Corresponding Secretary of the Central Beach Alliance, which consists of 320 members and 42 buildings. On April 24, 2008, the project was presented to the Board of the CBA, at which time comments were given to the Applicant. Mr. Panico

stated that the Applicant adhered to the comments that were given. In addition, the Applicant was asked to present this project to the membership on May 22, 2008, which they did. The Applicant agreed to return to the next membership meeting on September 22, 2008, at which time they provided another presentation. Between the two members' meetings, the Applicant was asked to do community outreach, which they did. The members voted 158 in favor of the project and 99 against. Therefore, Mr. Panico said, the CBA approves this project.

Ms. Golub asked Mr. Panico what the issues were that were in rejection of this project. Mr. Panico said that there was concern about underground parking, which concerns were met at the meeting. He believed the objections to the project related to some residents' views being blocked by the building.

Jean Pierre Rousselet said that he is an artist and resides on Poinsettia Street. He expressed that he believed this to be a much-needed project, as it will be good for the community as well as business interests.

Nina Cobo, who resides on Hendricks Isles, expressed that she feels fortunate that the developers have chosen Fort Lauderdale for this project, and that it will enhance the local economy.

Finding no additional members of the public wishing to speak, Chair Maus closed the public hearing and brought the discussion back to the Board.

Ms. Graham said that normally civil drawings are included in the Board's packets and is concerned about all the connections, the laterals and the inverts. She questioned four levels of fully-mechanical underground parking considering the water table.

Mr. Lochrie said that both the engineer and the architect were here tonight to discuss specific questions, if necessary. He expressed that Nicholson Construction was the world leader in this underground parking technology. Mr. Lochrie showed various slides depicting examples of this underground parking technology currently in use, such as in Monaco, Dubai, Coconut Grove and in Biscayne Bay.

Mr. Lochrie stated that the technology was such that, unlike most situations where a hole is dug and dewatering must take place the entire time, Nicholson Construction first puts down foundation pilings; they then dig out the hole, which does not create the water drain that occurs with the typical dewatering; the floor of the structure is then put in place under water; and then the water is removed. As a result, Mr. Lochrie said, you do not have the impacts of the neighboring properties where there is a draw of water out of those properties; rather, it is completely contained. At the end of the day, essentially what you have are swimming pools without the water, which are being held down by the pilings so they do not pop out of the ground.

Addressing the drainage around the site, Mr. Lochrie advised that there would be four deep well injection facilities around the site. All drainage leads into these facilities and goes deep into the ground. Ms. Graham thanked Mr. Lochrie for that explanation.

Ms. Golub asked Mr. Lochrie about the plan for the management of the property after completion of the building, as it appeared there would be a need for hotel management, commercial property management and condominium management. Mr. Lochrie said the property would be operated under a hotel flag, such as a Ritz Carlton Club is operated. Ms. Golub asked if it was the intention to keep the management under a single entity, and Mr. Lochrie responded that there would be one entity, with two associations and a master association for all the space. In addition, Mr. Lochrie said, the third association for the retail space would be a condominium regime.

Ms. Freeman asked if the parking would be all valet parking, and Mr. Lochrie confirmed this was correct for all residents as well as visitors.

Motion made by Ms. Freeman, seconded by Mr. Welch, to approve Site Plan Level IV with the following staff conditions:

1. A phase 1 archaeological survey of the area is to be conducted by a qualified archaeologist, as specified and approved by the Broward County Historical Commission Archaeologist.
2. All tree planters shall be flush with sidewalk. The applicant may be required to amend the currently proposed streetscape improvements, to be consistent with the upcoming design guidelines as established by the Central Beach Master Plan, which is nearing completion.
3. Payment of park impact fees as required and approved by the Parks and Recreation Department shall be made prior to issuance of a building permit.
4. Per the City's Engineering Design Manager:
 - A) The applicant shall provide public sidewalk easements on all four property frontages to allow public access to sidewalks (need to cover ADA ramps).
 - B) The proposed water feature, stair landing and planters proposed within the Florida Department of Transportation (FDOT) right-of-way easement along the west property line are subject to issuance of an FDOT permit and execution of an agreement that would allow the City and/or FDOT to remove said improvements for any public purpose in the future.
 - C) Execute a maintenance agreement at time of construction permitting for all improvements in public easement and sidewalk for hardscape, landscape, trees, and irrigation.
 - D) The applicant shall commit to make all reasonable efforts to secure private off street parking and transport to the project, should the parking facility be partially or wholly unavailable, equal to the number of unavailable spaces. Should this option be unavailable, applicant shall commit to limiting the occupancy of the project to coincide with the available onsite parking spaces in respect to meeting the ULDR requirements.

5. Per the City's Beach CRA Engineering Design Manager, applicant shall provide pedestrian crossings at all intersections prior to final DRC sign-off.
6. Applicant shall enter into an off-site/valet parking agreement as required by ULDR Sec. 47-20 and as approved by the City Attorney prior to final DRC sign-off.
7. Any public access easements and maintenance/developer agreements are to be finalized and approved prior to final DRC.
8. Per the City's Assistant Telecommunications Manager, the applicant shall install a Bi-Directional Amplifier (BDA) System.

In a roll call vote, the motion was **approved** 6-1 (Mr. Moskowitz dissenting).

8. One Financial Center, LTD

Thomas Lodge

15-P-08

Request: **

Plat Review

Legal Description:

A portion of Block E of the REVISED AND ADDITIONAL PLAT OF STRANAHAN'S SUBDIVISION OF LANDS IN THE TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in P.B. 3; P. 187, of the public records of Dade County, Florida

Address:

100 SE 3 Avenue

General Location:

Located on the east side of SE 3 Avenue between East Broward Boulevard and SE 2 Street

Disclosures were made by the Board, and members of the public wishing to testify on the matter were sworn in.

Robert Lochrie presented on behalf of the Applicant this request to plat the subject property, and showed on a map where the property is located. He advised that the property is comprised of 3.961 acres. The current plat of the property is an old Stranahan Subdivision plat, pre-1953, Mr. Lochrie stated, and the Applicant is requesting to bring the plat in conformity with the current land development regulations.

Mr. Lochrie explained that this property is currently not limited, but that this plat will have a restriction which will limit it to 215 hotel rooms, 300 residential units, 35,000 sq. ft. of general commercial, 218,550 sq. ft. of office, and 15,500 sq. ft. of bank uses. Mr. Lochrie confirmed that this was presented to the Development Review Committee in June of 2008 and the plat has been found to meet all of the City's platting requirements, including adequacy and subdivision requirements.

Mr. Lochrie advised that the Applicant is not going to tear down the existing building.

Thomas Lodge, City Staff, advised that the property is zoned RAC-CC (Regional Activity Center – City Center), and confirmed that this application is consistent with the Comprehensive Plan and conforms to Sec. 47-24.5, Subdivision regulations, of the ULDR.

Ms. Golub asked Mr. Lodge if the density requested by the Applicant is acceptable for the size of the plat, and whether everything contained within the plat note can fit on the 3.961 acres of land. Mr. Brewton responded that the plat note simply identifies the types of uses that *could* be placed on the property, which would be subject to meeting the applicable ULDR requirements once site plan approval is requested.

Finding no members of the public wishing to speak, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Freeman, seconded by Mr. McTigue to approve Plat, as presented. In a roll call vote, the motion was **approved** 7-0.

9. West Bay Residences

Randall Robinson

42-R-08

Request: **

Site Plan Level III / Conditional Use with Flex Allocation / B-1

Legal Description:

The south 623.00 feet of the west 124.58 feet of the east 760.63 feet of Government Lot 1, Section 14, Township 50 south, Range 42 east, lying south of the centerline of the north fork of the Seminole River as shown on the plat of LAUDERDALE HARBORS, as recorded in P.B. 9, P. 57, of the Public Records of Broward County, Florida, less the south 403 feet thereof, said lands situated in Fort Lauderdale, Broward County, Florida

Address:

1825 SE 17 Street

General Location:

North side of 17th Street Causeway and west of Intracoastal

Sam Poole, on behalf of the Applicant, advised that they would like to work cooperatively with the neighbors and would like to request a deferral to November 19, 2008. Upon voice vote, the matter was **deferred** until the November 19, 2008.

10. City of Fort Lauderdale / Northfork Riverfront Park **Michael Ciesielski** **15-Z-08**

Request: ** Rezoning from B-1 to P (Park)

Legal Description: All of Parcel "A", J.E.T. SON Plat, P.B. 130. P. 12, of the Public Records of Broward County, Florida, said lands situate lying and being in the City of Fort Lauderdale, Florida.

Address: 200 NW 18 Avenue

General Location: East side of NW 18 Avenue, approximately two blocks north of West Broward Boulevard

Ms. Freeman asked that Items 10 and 11 be heard together, but be voted upon separately. Sharon Miller, Assistant City Attorney, advised that Item 10 should also be a review by the local planning agency.

Disclosures were made by the Board, and members of the public wishing to testify on the matter were sworn in.

Frank Snedaker, City Architect, on behalf of the Applicant, advised that this property was acquired through the County Bond initiative. It was previously used as a dumping ground and currently is undergoing clean up and a restoration of the wetland. The Applicant is requesting rezoning to P (Park and open space) zoning in order to protect it for the future, and also to approve the site plan.

Mr. Snedaker stated that the site plan elements on this site are rather simple. It is a small parcel and very low intensity as far as the use. There is a small parking lot, a natural trail that leads down to the waterway, an area set aside for launching canoes and kayaks, and a small overlook area. Near the parking is a small picnic area, but there will be no gym or playground area.

Michael Ciesielski, City Staff, advised that the property is located two blocks north of West Broward Boulevard and is bounded by the north fork of the New River on the north and east, by NW 18th Avenue on the west, and by the Salvation Army site located immediately south of the proposed park.

Mr. Ciesielski stated that the subject parcel of land is currently vacant and the City wishes to build a passive park on the site. This rezoning is being requested as the City wants to conserve and protect the City's natural resources, including the fisheries, wildlife habitat and wetlands that are on the site.

Mr. Ciesielski referenced a letter in the Board's packets from the Dorsey Riverbend Homeowners' Association dated September 18, 2008, in which the Association offers

its full support for the Northfork Park. If this Application is approved by the Planning and Zoning Board, its recommendation shall be forwarded to the City Commission for consideration.

Because this property is on a waterway, Mr. Ciesielski stated, the criteria for waterway use has to be enforced. Contained within the Board's packets are the Applicant's narratives for adequacy, neighborhood compatibility and waterway use.

Mr. McTigue asked whether this property has, or will have, a sea wall. Mr. Snedaker responded that it does not and that it does have a lot of mangrove area, which cannot be touched.

Finding no members of the public wishing to speak, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Welch, seconded by Ms. Freeman to approve request for rezoning from B-1 to P (Park), as presented. In a roll call vote, the motion was **approved** 7-0.

11. **City of Fort Lauderdale / Northfork Riverfront Park** **Michael Ciesielski** **79-R-08**

Request: **	Site Plan Level III / Waterway Use / P
Legal Description:	All of Parcel "A", J.E.T. SON Plat, P.B. 130. P. 12, of the Public Records of Broward County, Florida, said lands situate lying and being in the City of Fort Lauderdale, Florida.
Address:	200 NW 18 Avenue
General Location:	East side of NW 18 Avenue, approximately two blocks north of West Broward Boulevard

Motion made by Mr. Welch, seconded by Ms. Freeman to approve Site Plan Level III, as presented. In a roll call vote, the motion was **approved** 7-0.

**12. City of Fort Lauderdale/
Ann Herman Park**

Eric Silva

9-Z-08

Request: **	Change zoning district from Broward County RD-10 (10 dwelling units per acre) to City of Fort Lauderdale P (Park) zoning district
Legal Description:	Lot 2 of Block 1 of "Rohan Acres" according to the plat thereof as recorded in P.B. 22, P. 43, Broward County, Florida. Said lands situate, lying and being in the City of Fort Lauderdale, Broward County and containing 41,178 square feet (.945 acres)
Address:	1750 SW 29 Avenue
General Location:	Southeast of 17 Street and 29 Avenue

Disclosures were made by the Board, and members of the public wishing to testify on the matter were sworn in.

Eric Silva, City Staff, on behalf of the Applicant, advised that the purpose of this application was to rezone the future site of Ann Herman Park from County RD-10 to City P (Park) zoning. The rezoning is required as a part of an interlocal agreement with Broward County, and would further several goals, objectives and policies of the Comprehensive Plan of the City of Fort Lauderdale.

Finding no questions from the Board, Chair Maus opened the hearing to public comment.

Debora van Valkenburgh, the current Secretary and immediate past President of the Chula Vista Isles Homeowners' Association, stated that she was here to affirm that her neighborhood supports this request and asks that the Board vote unanimously in favor of the rezoning.

Finding no additional members of the public wishing to speak, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Freeman, Mr. Welch, seconded by Mr. McTigue to approve request for rezoning from Broward County RD-10 to City of Fort Lauderdale P (Park) zoning district, as presented. In a roll call vote, the motion was **approved 7-0**.

13. For the Good of the City

- **Charter Amendment Question on City November 4, 2008 Ballot (City Clerk and City Auditor)**

This matter was taken out of turn and heard at the beginning of tonight's hearing.

- **Neighborhood Development Criteria Revisions (NDCR) Initiative – Project Update**

Adrienne Ehle, Planning and Zoning Department, stated that the purpose of this item on tonight's Agenda is to notify the Board of the current status of this project and to also reiterate some procedures that were discussed and were adopted by this Board last year regarding communication to the Commission for such matters.

Ms. Ehle recounted that the "Neighborhood Development Criteria Revisions" (NDCR) Initiative came to this Board a year ago, an RFP was put out and the Commission selected a consultant. The contract was drafted and signed as of yesterday (October 14, 2008), thereby launching the project. There is a plan for the consultant to come down and hold an orientation meeting with Staff and the Commissioners in approximately two weeks. Ms. Ehle extended an invitation to Chair Maus to attend one of these meetings in order to meet the consultant team, to become more familiar with the project and to offer any suggestions.

Ms. Ehle stated that the City would provide many opportunities for the public to provide input as well as the Planning and Zoning Board. In the interim, Ms. Ehle advised that the Board is more than welcome to communicate any concerns or comments throughout that process, aside from the scheduled meetings. As such, the Board is instructed to follow the policy adopted last year, which is outlined in the Staff memo provided to the Board in their packet.

Chair Maus asked Ms. Ehle to confirm that she was not referring to the easy items that were addressed on the Council's fast-track initiative, but was instead referencing those remaining items that were not fast-track items. Ms. Ehle confirmed that this was correct.

Ms. Ehle summarized that the Council of Fort Lauderdale Civic Associations presented some great suggestions, concerns, and comments to the Commission over a year ago. The Commission asked that these matters be addressed. Because the task was so large, a consultant was hired. It was determined, however, that some of the items were able to be addressed more quickly than the overall project. Those items were called the "fast-track items."

The remaining project will address the "big picture," including the addressing of all of the comments and recommendations that were received from the Council in order to determine which would be feasible and how to go about addressing them.

Ms. Ehle offered that the main purpose of the project was to address a list of recommendations and to evaluate and analyze those issues and concerns to see what can be changed in the ULDR to address those concerns. Some of these items may be too broad and may touch on things outside of the scope of the ULDR. Ms. Ehle voiced that it is not limited to the issues that were brought up by the Council, and, therefore, will look to the public and the Planning and Zoning Board to suggest any other issues that can be addressed by making changes in the ULDR.

Ms. Ehle reminded the Board that this is not a Code rewrite project, and that the idea is not to start with the Code, but to start with the suggestions from the Council to see how those suggestions can be implemented in the Code.

Mr. Moskowitz asked if the Council was the only party making suggestions to this consultant, or were other parties also making suggestions. Ms. Ehle responded that the Council made the first suggestions, but that this Board in November, 2007, asked how its own ideas and suggestions could be communicated to the Commission on a regular basis.

Mr. Moskowitz asked if the ultimate goal was to modify the ULDR. Ms. Ehle said that some suggestions may be implemented through modification of the ULDR, but there will be some that cannot be addressed by making a change in the Code.

Ms. Golub asked if there would be any place on the internet where people could go to see the concepts that are being considered. Ms. Ehle responded that this is very important to not only the consultant, but to the Planning and Zoning Department in general. Many projects are available for viewing via the internet, as well as draft plans and PowerPoint presentations. This will also be made available in this way.

- **North US 1 Urban Design Plan Implementation – Schedule November PZB Workshop**

Ms. Ehle advised that this is simply a notice to the Board that on November 19, 2008, Staff would like to hold a workshop with the Planning and Zoning Board to discuss the North US 1 Urban Design Plan's potential wording and how the guidelines of that plan could be incorporated into Code language that would, therefore, be brought to the Board again at the following meeting for review and approval.

Chair Maus asked how much time was needed for the workshop. Ms. Ehle noted that the workshop was scheduled for 5:30 p.m., which would allow an hour. Chair Maus asked the Board if they were agreeable to starting at 5:30

p.m. on November 19, 2008. Ms. Golub asked if the Board could get the information ahead of time, because often an hour is not enough time. Ms. Ehle stated that they would certainly provide the Board with their package in advance.

Chair Maus confirmed the workshop would begin at 5:30 p.m. on November 19, 2008.

- **Election of Vice Chair**

Chair Maus notified the Board that the last matter this evening was to elect a Vice Chair for this Board.

Ms. Freeman advised that she wanted to nominate Tom Welch. Ms. Graham stated that she was going to nominate Rochelle Golub. Chair Maus seconded Ms. Freeman's motion. Ms. Golub thanked Ms. Graham, but stated that she would withdraw in favor of Mr. Welch.

Motion made by Ms. Freeman, seconded by Chair Maus, to elect Tom Welch as Vice Chair of the Planning and Zoning Board. In a roll call vote, the motion was **approved** 7-0.

Mr. Welch advised that he would accept the nomination and subsequent election as Vice Chair.


There being no further business to come before the Board at this time, the meeting was adjourned at 8:59 p.m.

Chair:



Catherine Maus

Attest:


Brigitte Chiappetta, Recording Secretary